

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	
	)	Hon. Basil H. Lorch III
	)	

---

**LIMITED OBJECTION OF FIFTH THIRD BANK TO THE FOURTH INTERIM  
APPLICATION OF FAEGRE BAKER DANIELS LLP FOR COMPENSATION AND  
REIMBURSEMENT OF EXPENSES AS COUNSEL FOR JAMES A. KNAUER,  
CHAPTER 11 TRUSTEE**

By and through undersigned counsel, Fifth Third Bank hereby files its Limited Objection to the Fourth Interim Application of Faegre Baker Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee (“Fourth Interim Application”) (Dkt No. 2173). In support of this Limited Objection, Fifth Third Bank respectfully states as follows:

Fifth Third Bank submits this Limited Objection solely to: (a) ensure that a reserve or holdback of twenty-percent (20%) is established which might protect the estate from distributions on account of fees and expenses which may ultimately be disallowed upon final application; and (b) to reserve all of its rights to object to such fees at the final fee hearing, notwithstanding not raising detailed objections at this time. It is common practice for many bankruptcy courts, and indeed is common practice in this Court, to withhold 20% from interim fee allowances pending a final approval of fees. The utility of the practice is obvious, as it is far easier to make adjustments regarding as yet unpaid fees than it is to collect fees that have already been paid.

WHEREFORE, for the foregoing reasons, Fifth Third Bank respectfully requests that any order on the Fourth Interim Application clearly specify that: (a) approved fees and expenses are approved on an interim basis only, without prejudice to the rights of any party in interest to object to the allowance of such fees or expenses upon final application; and (b) any distribution on account of fees approved on an interim basis be subject to a holdback, with the remaining twenty-percent (20%) of interim-approved fees to be distributed only upon entry of a final order approved after notice and hearing upon a final fee application. In addition, Fifth Third Bank requests that such Order be applicable to all further interim fee applications from any professional seeking to be paid from the bankruptcy estate.

Dated: June 10, 2013

Respectfully submitted,

/s/ Randall D. LaTour  
Randall D. LaTour (admitted *pro hac vice*)  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, Ohio 43215  
Telephone: (614) 464-8290  
Facsimile: (614) 719-4821  
Email: rdlatour@vorys.com  
*Counsel for Fifth Third Bank, N.A*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of June, 2013, a copy of the foregoing *Limited Objection* was filed and served electronically through the Court's CM/ECF System to the following parties who are listed on the Court's Electronic Mail Notice List. Parties may access this filing through the Court's ECF System.

- Laura Day 10DelCotto ldelcotto@dlgfir.com, dlgecf@dlgfir.com;dlgecf@gmail.com
- David L. Abt davidabt@mwt.net
- Amelia Martin Adams aadams@dlgfir.com, dlgecf@dlgfir.com;dlgecf@gmail.com

- John W Ames james@bgdlegal.com, smays@bgdlegal.com;tmills@bgdlegal.com
- Jerald I. Ancel jancel@taftlaw.com, ecfclerk@taftlaw.com;krussell@taftlaw.com
- Kay Dee Baird kbaird@kdlegal.com, pdidandeh@kdlegal.com
- Christopher E. Baker cbaker@thbklaw.com, thignight@thbklaw.com
- T. Kent Barber kbarber@dlgfir.com, dlgecf@dlgfir.com;dlgecf@gmail.com
- Robert A. Bell rabell@vorys.com, dmchilelli@vorys.com
- C. R. Bowles cbowles@bgdlegal.com, smays@bgdlegal.com;cjenkins@bgdlegal.com
- David W. Brangers dbrangers@lawyer.com
- Steven A. Brehm sbrehm@bgdlegal.com, bbaumgardner@bgdlegal.com;smays@bgdlegal.com
- Kent A Britt kabritt@vorys.com,  
cbkappes@vorys.com;dfhine@vorys.com;tbfinney@vorys.com
- Kayla D. Britton kayla.britton@faegrebd.com,  
cindy.wondra@faegrebd.com;sarah.herendeen@faegrebd.com
- Joe Lee Brown Joe.Brown@Hardincounty.biz
- Lisa Koch Bryant courtmail@fbhlaw.net
- John R. Burns john.burns@faegrebd.com,  
sandy.rhoads@faegrebd.com;oliana.nansen@faegrebd.com
- James M. Carr jim.carr@faegrebd.com,  
sarah.herendeen@faegrebd.com;becky.turner@faegrebd.com
- John R. Carr jrciii@acs-law.com, sfinnerty@acs-law.com
- Deborah Caruso dcaruso@daleeke.com, mthomas@daleeke.com
- Ben T. Caughey ben.caughey@icemiller.com
- Bret S. Clement bclement@acs-law.com, sfinnerty@acs-law.com
- Joshua Elliott Clubb joshclubb@gmail.com
- Jason W. Cottrell jwc@stuartlaw.com, jbr@stuartlaw.com
- Kirk Crutcher kcrutcher@mcs-law.com, jparsons@mcs-law.com
- Jack S Dawson jdawson@millerdollarhide.com,  
jowens@millerdollarhide.com;receptionist@millerdollarhide.com
- Dustin R. DeNeal dustin.deneal@faegrebd.com,  
sandy.engle@faegrebd.com;sarah.herendeen@faegrebd.com
- Dustin R. DeNeal dustin.deneal@faegrebd.com,  
sandy.engle@faegrebd.com;sarah.herendeen@faegrebd.com
- David Alan Domina dad@dominalaw.com, KKW@dominalaw.com;efiling@dominalaw.com
- Daniel J. Donnellon ddonnellon@ficlaw.com, knorwick@ficlaw.com
- Trevor L. Earl tearl@rwsvlaw.com
- Shawna M Eikenberry shawna.eikenberry@faegrebd.com, sarah.herendeen@faegrebd.com
- Jeffrey R. Erler jerler@ghjhlaw.com, lbell@ghjhlaw.com;ldelcore@ghjhlaw.com
- William K. Flynn wkflynn@strausstroy.com,  
fmtuttle@strausstroy.com;rlshapiro@strausstroy.com
- William K. Flynn wkflynn@strausstroy.com,  
fmtuttle@strausstroy.com;rlshapiro@strausstroy.com
- Robert H. Foree robertforee@bellsouth.net
- Sandra D. Freeburger sfreeburger@dsf-atty.com, mbaker@dsf-atty.com
- Sandra D. Freeburger sfreeburger@dsf-atty.com, mbaker@dsf-atty.com
- Peter M Gannott pgannott@gannottlaw.com,  
paralegal@gannottlaw.com;gannottlaw@gmail.com
- Melissa S. Giberson msgiberson@vorys.com
- Thomas P Glass tpglass@strausstroy.com

- Jeffrey J. Graham jgraham@taftlaw.com,  
ECFClerk@taftlaw.com;dwineinger@taftlaw.com;krussell@taftlaw.com;aolave@taftlaw.com
- Jeffrey J. Graham jgraham@taftlaw.com,  
ECFClerk@taftlaw.com;dwineinger@taftlaw.com;krussell@taftlaw.com;aolave@taftlaw.com
- Terry E. Hall terry.hall@faegrebd.com,  
sharon.korn@faegrebd.com;sarah.herendeen@faegrebd.com
- Paul M. Hoffmann phoffmann@stinson.com
- John David Hoover jdhoover@hooverhull.com
- John Huffaker john.huffaker@sprouselaw.com,  
lynn.acton@sprouselaw.com;rhonda.rogers@sprouselaw.com
- Jeffrey L Hunter jeff.hunter@usdoj.gov, USAINS.ECFBankruptcy@usdoj.gov
- Jay Jaffe jay.jaffe@faegrebd.com, sarah.herendeen@faegrebd.com
- James Bryan Johnston bjtxas59@hotmail.com, bryan@ebs-law.net
- Todd J. Johnston tjohnston@mcjllp.com
- Jill Zengler Julian Jill.Julian@usdoj.gov
- Jay P. Kennedy jpk@kgrlaw.com, tfroelich@kgrlaw.com;ads@kgrlaw.com;jli@kgrlaw.com
- Jay P. Kennedy jpk@kgrlaw.com, tfroelich@kgrlaw.com;ads@kgrlaw.com;jli@kgrlaw.com
- Edward M King tking@fbtlaw.com, dgioffre@fbtlaw.com
- James A. Knauer jak@kgrlaw.com, tjf@kgrlaw.com
- James A. Knauer jak@kgrlaw.com, tjf@kgrlaw.com
- Erick P Knoblock eknoblock@daleeke.com
- Theodore A Konstantinopoulos ndohbky@jbandr.com
- Randall D. LaTour RDLatour@vorys.com, khedwards@vorys.com;bjtobin@vorys.com
- David A. Laird david.laird@moyewhite.com,  
lisa.oliver@moyewhite.com;deanne.stoneking@moyewhite.com
- David A. Laird david.laird@moyewhite.com,  
lisa.oliver@moyewhite.com;deanne.stoneking@moyewhite.com
- David L. LeBas dlebas@nmanhowell.com, koswald@nmanhowell.com
- Martha R. Lehman mlehman@kdlegal.com,  
crbpgpleadings@kdlegal.com;mblakeley@kdlegal.com
- Scott R Leisz sleisz@bgdlegal.com, disom@bgdlegal.com
- Elliott D. Levin robin@rubin-levin.net, edl@trustesolutions.com;edl@trustesolutions.net
- Elliott D. Levin edl@rubin-levin.net, atty\_edl@trustesolutions.com
- Kim Martin Lewis kim.lewis@dinslaw.com,  
lisa.geeding@dinslaw.com;patrick.burns@dinslaw.com
- James B. Lind jblind@vorys.com
- Karen L. Lobring lobring@msn.com
- John Hunt Lovell john@lovell-law.net, sabrina@lovell-law.net;shannon@lovell-law.net;paula@lovell-law.net
- Harmony A Mappes harmony.mappes@faegrebd.com,  
judith.gilliam@faegrebd.com;sarah.herendeen@faegrebd.com
- John Frederick Massouh john.massouh@sprouselaw.com
- Michael W. McClain mike@kentuckytrial.com, laura@kentuckytrial.com
- Kelly Greene McConnell lisahughes@givenspursley.com
- James Edwin McGhee mcghee@derbycitylaw.com,  
SeillerWatermanBankruptcymyecf@gmail.com;belliott@derbycitylaw.com;patenaude@derbycitylaw.com;cantor@derbycitylaw.com
- Brian H Meldrum bmeldrum@stites.com

- William Robert Meyer rmeyer@stites.com
- Kevin J. Mitchell kevin.mitchell@faegrebd.com, cyndy.maucher@faegrebd.com;oliana.nansen@faegrebd.com
- Terrill K. Moffett kendalcantrell@moffettlaw.com
- Christie A. Moore cm@gdm.com, ljs2@gdm.com
- Allen Morris amorris@stites.com, dgoodman@stites.com
- Judy Hamilton Morse judy.morse@crowedunlevy.com, ecf@crowedunlevy.com;karen.martin@crowedunlevy.com;karol.brown@crowedunlevy.com
- Erin Casey Nave enave@taftlaw.com
- Matthew Daniel Neumann mneumann@hhclaw.com
- Walter Scott Newbern wsnewbern@msn.com
- Shiv Ghuman O'Neill shiv.oneill@faegrebd.com, amanda.castor@faegrebd.com
- Matthew J. Ochs kim.maynes@moyewhite.com
- Michael Wayne Oyler moyler@rwsvlaw.com
- Ross A. Plourde ross.plourde@mcafeetaft.com, afton.shaw@mcafeetaft.com
- Brian Robert Pollock bpollock@stites.com
- Wendy W Ponader wendy.ponader@faegrebd.com, sarah.herendeen@faegrebd.com
- Timothy T. Pridmore tpridmore@mcjllp.com, lskibell@mcjllp.com
- Anthony G. Raluy traluy@fbhlaw.net
- Eric C Redman ksmith@redmanludwig.com, kzwickel@redmanludwig.com;myecfmailrl@gmail.com
- Eric W. Richardson ewrichardson@vorys.com, bjtobin@vorys.com
- Joe T. Roberts jratty@windstream.net
- Mark A. Robinson mrobinson@vhrlaw.com, dalbers@vhrlaw.com
- Jeremy S Rogers Jeremy.Rogers@dinslaw.com
- John M. Rogers johnr@rubin-levin.net, susan@rubin-levin.net;atty\_rogers@bluestylus.com
- Joseph H Rogers jrogers@millerdollarhide.com, cdow@millerdollarhide.com
- James E Rossow jim@rubin-levin.net, susan@rubin-levin.net;ATTY\_JER@trustesolutions.com
- Steven Eric Runyan ser@kgrlaw.com
- Niccole R. Sadowski nsadowski@thbklaw.com, kpeerman@thbklaw.com
- Thomas C Scherer tscherer@bgdlegal.com, mmcclain@bgdlegal.com
- Stephen E. Schilling seschilling@strausstroy.com
- Ivana B. Shallcross ishallcross@bgdlegal.com, smays@bgdlegal.com;tmills@bgdlegal.com;acoates@bgdlegal.com
- James E. Smith jsmith@smithakins.com, legalassistant@smithakins.com
- William E Smith wsmith@k-glaw.com, pballard@k-glaw.com
- Amanda Dalton Stafford ads@kgrlaw.com, jli@kgrlaw.com
- Amanda Dalton Stafford ads@kgrlaw.com, jli@kgrlaw.com
- Robert K Stanley robert.stanley@FaegreBD.com
- Joshua N. Stine kabritt@vorys.com
- Andrew D Stosberg astosberg@lloydmc.com
- Matthew R. Strzynski mstrzynski@kdlegal.com, Tsylvester@kdlegal.com
- Meredith R. Thomas mthomas@daleeke.com
- John M. Thompson john.thompson@crowedunlevy.com, jody.moore@crowedunlevy.com,donna.hinkle@crowedunlevy.com
- Kevin M. Toner kevin.toner@faegrebd.com, judy.ferber@faegrebd.com;crystal.hansen@faegrebd.com

- Christopher M. Trapp ctrapp@rubin-levin.net, carmen@rubin-levin.net;lemerson@rubin-levin.net
- Chrisandrea L. Turner clturner@stites.com
- U.S. Trustee ustpreion10.in.ecf@usdoj.gov
- Andrew James Vandiver avandiver@aswdlaw.com, sgoinis@aswdlaw.com;jrobb@aswdlaw.com
- Andrea L Wasson andrea@wassonthornhill.com
- Jennifer Watt jwatt@kgrlaw.com, pad@kgrlaw.com;ads@kgrlaw.com
- Jennifer Watt jwatt@kgrlaw.com, pad@kgrlaw.com;ads@kgrlaw.com
- Stephen A. Weigand sweigand@ficlaw.com
- Charles R. Wharton Charles.R.Wharton@usdoj.gov, Charles.R.Wharton@usdoj.gov
- Sean T. White swhite@hooverhull.com, vwilliams@hooverhull.com
- Michael Benton Willey michael.willey@ag.tn.gov
- Chad Duane Wuertz chad@wuertzlaw.com, joe@wuertzlaw.com;zach@wuertzlaw.com;michele@wuertzlaw.com;wendy@wuertzlaw.com
- Chad Duane Wuertz chad@wuertzlaw.com, joe@wuertzlaw.com;zach@wuertzlaw.com;michele@wuertzlaw.com;wendy@wuertzlaw.com
- Jessica E. Yates jyates@swlaw.com, docket\_den@swlaw.com;mmccleery@swlaw.com
- James T Young james@rubin-levin.net, lemerson@rubin-levin.net;carmen@rubin-levin.net;atty\_young@bluestylus.com

/s/ Randall D. LaTour

Randall D. LaTour (admitted *pro hac vice*)